

REMARKS

I. Petition for Extension of Time

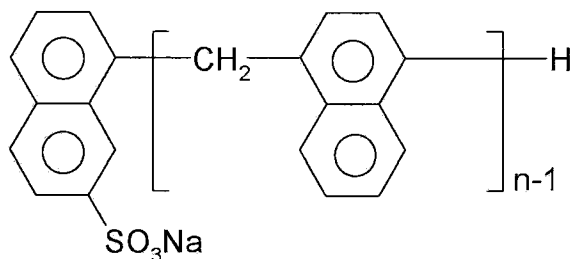
Applicants herewith petition the Commissioner for Patents to extend the time for response to the Office action mailed 3 July 2008 for two months from 3 October 2008 to 3 December 2008. Authorization is given to charge the extension of time fee of \$245.00 (37 C.F.R. §§1.136 and 1.17) to Deposit Account No. 23-1703. Any deficiency or overpayment should be charged or credited to the above numbered deposit account.

II. Claim Amendments

The application was filed with original claims 1-9. Claim 3 and 4 have been canceled and new claims 10-15 have been added. Therefore, upon entry of this Amendment, claims 1, 2 and 5-15 are pending.

Independent claims 1 and 9 have been amended as follows:

Component (a) of the admixture: The tradename or product name of certain recited components has been replaced with a description of the specific component. Specifically, in claims 1 and 9, the component “superplasticizer C-3” has been replaced with the description “a mixture of (i) sodium sulfate, (ii) sodium salt of lignosulfonic acid and (iii) sodium salts of polymethylene naphthalenesulfonic acids of the general formula



where n is 1 to 25.

Support for the amendment is found in paragraph [0013] of the published patent application no. 2008/0216716 which provides that superplasticizer C-3 meets the Russian technical specifications set forth in the publicly available document, TS 6-36-0204229-625-90.

An uncertified English language translation of TS 6-36-0204229-625-90 is being submitted separately but concurrently herewith as part of an Information Disclosure Statement (“IDS”). The Examiner’s attention is directed to page four of the translated technical specifications for a description of plasticizer S-3 which has been introduced into amended claims 1 and 9. The interchangeability of the suffix “C-3” and “S-3” is attributable to a common transliteration in translating Russian into English or German.

Component (b) of the admixture: The recitation of “hydrophobing agent” has been replaced with the description “an antifoaming agent comprising silicone emulsion”. Support for the amendment is found in paragraph [0013] of the published patent application no. 2008/0216716. A more detailed description can be obtained from the publicly available Russian Technical Specifications 6-02-1-529-86.

Component (c) of the admixture: The component Lignopan B has been replaced with a description of that product found in paragraph [0013] published patent application no. 2008/0216716. Specifically, the specification describes Lignopan B as a modified lignosulfonate.

Component (d) of the admixture: The recitation of “fixing salt” has been deleted from claims 1 and 9. According to the Russian Technical Standard 2141-084-00209527-99 as disclosed in paragraph [0013] published patent application no. 2008/0216716, a “fixing salt” is defined as a natural sodium sulfate (purified). An uncertified translation of the Russian Technical Standard 2141-084-00209527-99 is being submitted separately but concurrently as part of the IDS.

New claims 10 and 14 have been added and provide that the sodium sulfate of the one or more compounds (d) of claims 1 and 9, respectively, comprises purified natural sodium sulfate. Support for the amendment is provided by column 5 of Table 1 at paragraph [0013] published patent application no. 2008/0216716 showing that the admixture comprises 10 parts by mass of sodium sulfate and 40 parts by mass of a fixing salt, i.e., purified natural sodium sulfate.

Support for the recitation of “sodium thiocyanate” in the Markush group of claims 1 and 9 is found in Table 1.

The ratio of components of the admixture as originally recited by claims 1 and 9 is now the subject of new claims 11 and 15, respectively. Claims 3 and 4 have been canceled and replaced with new claims 12 and 13, respectively. Claims 5-8 have been amended to more clearly define the dependent features of the claimed invention.

Applicants submit that no new matter has been introduced by the claim amendments.

II. Specification

The specification has been amended to provide a single sheet containing an abstract of the disclosure pursuant to M.P.E.P. §608.01(b). Support for the recitation of the abstract is found at paragraph [0001] of the of the published patent application no. 2008/0216716. Withdrawal of the objection to the specification is requested.

III. Claim Objections

Claims 5-8 have been amended to be solely dependent, either directly or indirectly, on claim 1. Withdrawal of the objection of claims 5-8 under 37 C.F.R. §1.75 (c) is requested.

Claims 1-4 and 9 are objected to for certain informalities. In response thereto, all instances of the expression “characterized” and “characterized in that” have been deleted from the claims. Amended claims 2 and 9 end in a period.

IV. Claim Rejections – 35 U.S.C. §112

Claims 1-4 and 9 are rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Specifically, the Examiner alleges that it is unclear as to what is meant by “superplasticizer C-3”, “Lignopan B” and “hydrophobing agent (139-282)” as recited by claims 1 and 9. As discussed in Section II, above, claims 1 and 9 have been amended to provide a description that is fully supported by the specification as originally filed of each of the components superplasticizer C-3, Lignopan B and hydrophobing agent.

It is alleged that the types of fixing salts that may be used in the admixture of claims 1 and claim 9 are unclear. The recitation of fixing salts has been deleted from claims 1 and 9. As discussed in Section II, above, new claims 10 and 14 have been added and provide that the

sodium sulfate of the one or more compounds (d) of claims 1 and 9, respectively, comprises a fixing salt, i.e., purified natural sodium sulfate.

Claim 3 is rejected on the grounds that the recitation of the terms “coarse” and “fine” renders the claim indefinite. Claim 3 has been deleted.

For all of the foregoing reasons, withdrawal of the §112 rejections is requested.

V. Oath/Declaration

The Examiner alleges that the Combined Declaration and Power of Attorney of record is defective because there is no date of execution for the first listed inventor. Applicants rely on M.P.E.P. §602.05 which provides that the Office does not require a newly executed oath or declaration where the date of execution has been omitted.

602.05 Oath or Declaration - Date of Execution - 600 Parts, Form, and Content of Application

602.05 Oath or Declaration - Date of Execution

The Office no longer checks the date of execution of the oath or declaration and the Office will no longer require a newly executed oath or declaration based on an oath or declaration being stale (that is when the date of execution is more than 3 months prior to the filing date of the application) or where the date of execution has been omitted. However, applicants are reminded that they have a continuing duty of disclosure under 37 CFR 1.56.

CONCLUSION

Applicants have made a good faith attempt to respond to the Office Action. Claims 1, 2 and 5-15 are directed to patentable subject matter. Accordingly, Applicants request reconsideration and allowance of the claims.

Any fee due in connection with this Amendment should be charged to Deposit Account No. 23-1703.

Dated: 3 December 2008

Respectfully submitted,
/John M. Genova/
John M. Genova
Reg. No. 32,224

Customer No. 007470
Direct Dial: (212) 819-8832